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UNITED STATES GENERAL ACCOUNTING OFFICE  
WASHINGTON, D.C. 20548

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OFFICE OF GENERAL COUNSEL

IN REPLY  
REFER TO: B-192559 (JF)

May 11, 1979

Do not make available to public reading

George L. Reaves, Jr., National Representative  
National Association of Government Employees  
Tower Box 63  
2101 Executive Drive  
Hampton, Virginia 23666

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Dear Mr. Reaves:

This is in reply to your letter of August 1, 1978, in which you request our opinion as to the what ~~holiday~~ benefits, ~~if any~~, are due part-time employees of the Navy Commissary District, Norfolk, Virginia. Specifically, you are concerned that part-time employees who worked 5 days a week for 6 hours a day were denied holiday benefits for July 4, 1978, which fall on Tuesday, a regular day off for the employees. You interpret Executive Order 10358 and Civil Service regulations as mandating that part-time employees either be given Wednesday, July 5, 1978, as a day off with normal pay or be paid holiday premium pay for working on that day.

We have repeatedly held that the provisions of Executive Order No. 10358 and its successor, Executive Order No. 11582, do not apply to part-time employees. B-192104, September 1, 1978, and 32 Comp. Gen. 378 (1953). Accordingly, part-time employees are not entitled to a day in lieu of a holiday which does not fall within their prescribed workweek and are precluded from earning holiday premium pay for working on a day other than the one on which a holiday occurs. 26 Comp. Gen. 690 (1947).

While we realize that you may find the above result unsatisfactory, we have no basis for modifying our precedents in this area. Only if Congress enacted legislation addressing this issue would it be appropriate for us to reconsider our previous decisions. In this regard, we note the recent concern of the Congress for increased utilization of part-time employees within the Federal Government as manifested in the Federal Employees Part-Time Career Employment Act of 1978, Pub. Law 95-437, 92 Stat. 1055 (1978).

Letter

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W. L. L. L. L.

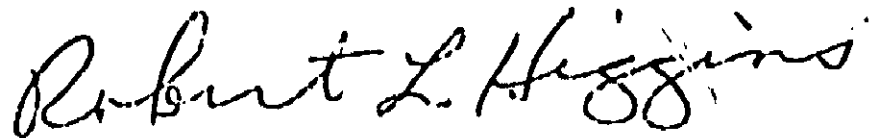
C. J. L. L. L.

P. P. L. L. L.

B-192559

Copies of Public Law 95-437 and all cited decisions are enclosed for your information.

Sincerely yours,

A handwritten signature in cursive script that reads "Robert L. Higgins".

Robert L. Higgins  
Assistant General Counsel

Enclosures - 4